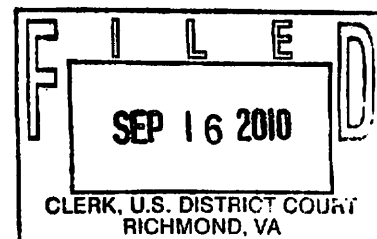


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



MARINOS N. GELARDOS,

Plaintiff,

v.

Civil No. 3:10CV276

CHESAPEAKE CITY JAIL,

Defendant.

MEMORANDUM OPINION

Marinos N. Gelardos ("Plaintiff"), a Virginia prisoner proceeding *pro se*, filed this civil action. On August 17, 2010, the Court dismissed this action on the belief that Plaintiff failed to comply with the Court's May 10, 2010 Memorandum Order. In fact, the Court had received Plaintiff's affidavit to proceed *in forma pauperis* (Docket No. 3) and his consent to collection of fees form (Docket No. 8).

Federal Rule of Civil Procedure 59(e) permits a court to amend a judgment within twenty-eight days for three reasons: "(1) to accommodate an intervening change in controlling law; (2) to account for new evidence not available at trial; or (3) to correct a clear error of law or prevent manifest injustice.'" *EEOC v. Lockheed Martin Corp., Aero & Naval Sys.*, 116 F.3d 110, 112 (4th Cir. 1997) (quoting *Hutchinson v. Staton*, 994 F.2d 1076, 1081 (4th Cir.1993)). In other words, it is a means by which the district court can correct its own mistakes, thereby "sparing the parties and the appellate courts the burden of unnecessary appellate proceedings." *Pac. Ins. Co. v. Am. Nat'l Fire Ins. Co.*, 148 F.3d 396, 403 (4th Cir. 1998) (internal quotations omitted).

In the interests of justice, the August 17, 2010 Memorandum Opinion and Order will be VACATED. The Court will continue to process Plaintiff's request to proceed *in forma pauperis*.

An appropriate Order shall accompany this Memorandum Opinion.

SEP 16 2010

Date: _____
Richmond, Virginia

/s/
Richard L. Williams
United States District Judge